

FACSIMILE**GORDON & REES LLP**TO FAX NO.: 1- (571) 273-1143ATTENTION: Krishnan Menon
Examiner, GAU 1723FROM: J.W. McClain**Attorneys at Law
Patents, Trademarks,
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San Diego, California 92101**Date of transmission: November 3, 2004**Telephone: (619) 230-7454
Facsimile: (619) 696-7124**Our Reference No.: BHYNA-1028433**— IMPORTANT CONFIDENTIALITY INFORMATION —**

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Re: **Patent Application Ser. No. 09/724,883**; Applicant: John E. Tomaschke; Filed:
November 28, 2000

Enclosed please find an informal communication regarding proposed amendments to the claims and remarks regarding the final rejections in Office Action of August 11, 2004, for discussion regarding placing the case in condition for allowance.

The undersigned attorney will call the examiner regarding this communication on November 8, 2004.

Best Regards,
James W. McClain
Reg. No. 24,536
Attorney for Applicant

Operator: JWM

Please note: If there are any reception problems, call the operator at (619) 230-7454.

To: Krishnan Menon, Examiner
From: James W. McClain
Attorney for Applicant
Direct telephone: (619) 230-7454

Re: **Application Ser. No. 09/724,883**
Applicant: John E. Tomaschke
Filed: November 28, 2000
Attorney's Docket No. BHYNA-1028433

Date: November 3, 2004

Via Facsimile to (571) 273-1143

Informal Communication for discussion purposes

Dear Examiner Menon:

Applicant has reviewed the Final Rejection in the Office Action of August 11, 2004. In view of the long history of this case, the desire to substantially narrow the issues and the desirability of avoiding appeal, Applicant now informally proposes to amend the claims to substantially reduce their scope to cover only the three sulfonic acids which have been primarily disclosed in the Specification. For the reasons which I shall briefly outline below, we believe that the rejections cited in the Office Action do not make obvious these limited claims.

If upon review you can agree that these limited claims would be allowable, we will submit an appropriate formal amendment after final rejection for issuance of a notice of allowance.

Specifically, we propose to amend the claims as follows:

1-14. (cancelled)

15. (currently amended) A composite membrane useful for reverse osmosis or nanofiltration comprising:

a supportive porous under-structure; and

a top layer consisting of a crosslinked polyamide thin film which is adhered to the upper surface of the porous support structure, said top layer having been contacted with a solution of a ~~C₄-C₆ alkyl, alkenyl, haloalkyl, haloalkenyl, hydroxy~~ at least one sulfonic or disulfonic acid compound selected from the group consisting of methanesulfonic acid, ethanesulfonic acid and trifluoromethanesulfonic acid;

whereby said membrane has a water flux of at least about 15 gfd and a rejection of at least 20 percent when tested an with a 0.05 percent aqueous sodium chloride solution at 75 psi and 25°C.